

SECTION 4.05 BACKGROUND CHECKS

New: 12/14

General

Executive Branch agencies may conduct background checks as part of the application and selection process. Background checks are considered examinations to assess the qualifications of applicants pursuant to [11 IAC 54.3](#). The following general guidance is provided:

- The type of background check is not limited in the rule, but must be related to job requirements.
- Agencies must document clear business necessity and job relatedness for each topic covered in the background inquiry for each job or position in which a background check will be conducted.
- Agencies must document the standards to be applied for each topic covered in the background inquiry for each job or position in which a background check will be conducted.
- Applicants subjected to background checks must be informed that the background check will be a condition of employment, and be informed of the topics to be covered.
- The applicant must provide authorization in writing for the agency to conduct the background check.
- Information gathered in the background check must be available to the applicant from the agency.
- Information gathered during a background check is considered confidential within the meaning of [Iowa Code section 22.7](#).
- The agency is responsible for identifying other legal requirements that pertain to conducting background checks, or that limit background checks. These requirements should be included in the policy.

Establishing a Background Check Policy

Agencies are encouraged to work with their assigned DAS-HRE Personnel Officer and the agency's legal counsel and/or Assistant Attorney General in the development and review of a background check policy, including determination of areas to be checked, development of disclosure and/or consent forms, and standards to be applied in evaluating any information gathered. Disclosure and/or consent forms may be provided by the vendor conducting the background check, if utilized. In such cases, agencies should review these forms with their legal counsel and/or Assistant Attorney General. The background check policy template ([CFN 552-0773](#)) exists for use in developing an agency background check policy.

Approval of Background Check Policies

Once the policy is ready for final review by DAS, the DAS-HRE Employment Bureau Chief will review and provide additional feedback, or will sign off on the policy as reasonable in meeting the requirements of [11 IAC 54.3](#). Revisions to the policy should be submitted to the assigned DAS-HRE Personnel Officer.